

June 25, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Mathey, Registered Agent
Rolling Green Country Club
160 East Flaming Gorge Way
Green River, WY 82935

Re: Administrative Order
Docket No. **SDWA-08-2003-0035**
PWS ID #5600632

Dear Mr. Mathey:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Rolling Green Country Club is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR §§ 141.23(d), 141.21(a), 141.74, 141.70(c), 141.201, 141.31(b), and 141.21(g)(2) for: failure to monitor for nitrate, bacteriological quality, turbidity and chlorine residual; failure to have a Level 2 certified operator; failure to notify the public of the violations; and failure to report the violations to EPA.

If Rolling Green Country Club complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide

EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-T, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney or have legal questions, please call Brenda Morris, Enforcement attorney, at the above 800 number, extension 6891, or at (303) 312-6891.

We urge your prompt attention to this matter.

Sincerely,

Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
PN
SBREFA

cc: Rob Slaughter, President, Rolling Green Country Club
Larry Robinson, WY DEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

Rolling Green County Club
Page 3 of 8
**999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466**

June 25, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sweetwater County Commissioners
c/o John D. Pallesen, Chair
P.O. Box 730
Green River, WY 82935

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Rolling Green Country Club
PWS ID#5600632

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Rolling Green Country Club, Green River, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. Rolling Green Country Club is in violation of 40 CFR §§ 141.23(d), 141.21(a), 141.74, 141.70(c), 141.201, 141.31(b), and 141.21(g)(2) for: failure to monitor for nitrate, bacteriological quality, turbidity and chlorine residual; failure to have a Level 2 certified operator; failure to notify the public of the violations; and failure to report the violations to EPA.



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Rolling Green County Club
Page 4 of 8

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

IN THE MATTER OF)	
)	
Rolling Green County Club)	
Green River, WY)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	Docket No. SDWA-08-2003-0035

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region VIII.

FINDINGS

1. Rolling Green Country Club (Respondent) is a corporation under the laws of the state of Wyoming as of August 1962 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Rolling Green County Club Water System (the "System"), located in Sweetwater County, Wyoming for the provision to the



public of piped water for human consumption.

3. The Rolling Green County Club Water System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an April 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by one well which is under the direct influence of surface water and is treated by filtration and disinfection. The system serves approximately 65 persons per day through 3 service connections and is open April through October.

FINDINGS OF VIOLATION

I.



1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL) as stated in 40 C.F.R. § 141.62.
2. Respondent last monitored for nitrate in June 2001 but failed to monitor in 2000 and 2002, in violation of 40 C.F.R. § 141.23(d).

II.

1. 40 C.F.R. § 141.21(a) requires public water systems to monitor the water at least once per month that the system serves water to the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the months of June and August 2002 and April 2003, in violation of 40 C.F.R. § 141.21(a).

III.

1. 40 C.F.R. § 141.74 requires public water systems that use a surface water source, or groundwater under the direct influence of surface water, to monitor turbidity at representative points to the distribution system once per day.



2. Respondent failed to monitor the water for turbidity the first, second and third days in October 2001, in violation of 40 C.F.R. § 141.74.

IV.

1. 40 C.F.R. § 141.74 requires public water systems using a surface water source, or a groundwater source under the direct influence of surface water, to monitor residual disinfectant concentration of the water entering the distribution system daily.
2. Respondent failed to monitor the water for residual disinfectant concentration the first, second and third days in October 2001, in violation of 40 C.F.R. § 141.74.

V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any National Primary Drinking Water Regulation ("NPDWR") violations, including violations of monitoring requirements, and testing procedures found in 40 C.F.R. Part 141.
2. Respondent provided public notice of the noncompliance detailed in the preceding Section III and IV, but has not provided public notice of the noncompliance detailed in Sections I and II, in violation of



40 C.F.R. § 141.201.

VI.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 CFR Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I, III, IV and V, in violation of 40 C.F.R. § 141.31(b).

VII.

1. 40 C.F.R. § 141.21(g) (2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section II, in violation of 40 C.F.R. § 141.21(g) (2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the effective date of this Order, and annually thereafter, Respondent shall comply with the



nitrate monitoring requirements as stated in 40 C.F.R.

§ 141.23(d) to determine compliance with the nitrate

MCL appearing at 40 C.F.R. § 141.62(b). Respondent

shall report analytical results to EPA within the first

10 days following the month in which sample results are

received, as required by 40 C.F.R. § 141.31(a).

2. Upon the effective date of this Order, Respondent shall

comply with the requirement of 40 C.F.R. § 141.21(a) to

perform monthly bacteriological monitoring. Respondent

shall comply with the MCLs as stated in 40 C.F.R.

§ 141.63. Respondent shall report analytical results

to EPA within the first 10 days of the end of the

monitoring period, as required by 40 C.F.R.

§ 141.31(a).

3. Upon the date of this Order, Respondent shall monitor

the water for turbidity as required by 40 C.F.R.

§ 141.74(c)(1). Respondent shall report monitoring

results to EPA within the first 10 days following the

end of the monitoring period, as required by 40 C.F.R.

§ 141.75.

4. Upon the effective date of this Order, Respondent shall

comply with the requirements of 40 C.F.R. § 141.74 to

monitor residual disinfectant concentration of the

water entering the distribution system daily.



Respondent shall report the results to EPA within 10 days after the end of each month, as required by 40 C.F.R. § 141.75.

5. No later than September 30, 2003, Respondent must provide public notice of the bacteriological and nitrate monitoring violations specified under the Findings of Violation, Sections I and II in this Order. This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201, et seq., following any future NPDWR violation.

Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice,



as required by 40 C.F.R. § 141.31(d).

6. Except where a different reporting period is specified in paragraph 7 below, upon the effective date of this Order, Respondent shall comply with 40 C.F.R.

§ 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 CFR Part 141) to EPA within 48 hours.

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.

8. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich
U. S. EPA Region VIII (8ENF-T)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under



Section 1414(g) (3) (A), 42 U.S.C. § 300g-3(g) (3) (A), may subject the Respondents to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g) (3) (B) of the Act, 42 U.S.C.

§ 300g-3(g) (3) (B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).

3. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b), 42 U.S.C. § 300g-3(b), may subject Respondents to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 25TH day of June, 2003.

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS PLEASE CONTACT THE
REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JUNE 25, 2003.

